

;ARTICLE 6A

OTHER EXCEPTIONS

(Article inserted on April 30, 1968)

↔SECTION 6A-1. **Authorization for Exceptions in Planned Development and Urban Renewal Areas; in Downtown Districts, Special Districts, and the Harborpark District as Specified in the Articles Governing Such Districts; to Setback of Parapet Requirements in B-6-90a, B-6-90b, B-8-120a, and B-8-120c Districts; to the Requirements of Section 16-6(f) in a B-8-120c District, and to the Requirement of Section 25-5.8 in a V Zone Flood Hazard District.** As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Section 6A-2, 6A-3, and 6A-4, the Board of Appeal may, in a specific case after public notice and hearing, allow an exception from the provisions of this code. Such exception shall lapse and become null and void unless (a) such exception is used within two years after the record of said Board's proceedings thereto is filed with the Building Commissioner pursuant to Section 8 of said Chapter 665, or (b) such exception relates to work in a planned development area of not less than 5 acres, or to the use thereof, and within such two year period the Boston Redevelopment Authority files with the Building Commissioner a certificate that work within said planned development area has been commenced and is diligently proceeding in which case such exception shall not lapse unless thereafter said Authority files with the Building Commissioner a certificate that such work is not diligently proceeding.

(↔As amended on December 29, 1982, April 2, 1987, March 20 and September 13, 1989, March 20, April 27, and December 6, 1990, and June 7, 1991)

↔SECTION 6A-2. **Procedure for Appeal.** Each appeal for an exception shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. Said Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining what conditions and safeguards may be necessary or appropriate. The Board of Appeal shall not hold a hearing nor render any decision on an appeal for an exception until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(↔As amended on May 26, 1970)

↔SECTION 6A-3. **Conditions Required for Approval.** The Board of Appeal shall allow an exception only if it finds:

- (a) That such exception is in harmony with the general purpose and intent of this code;
- (b) The exception requested is in conformity with one or more of the following, as applicable: (i) the development plan for the planned development area or (ii) the land assembly and redevelopment or urban renewal plan, or the low rent housing project or housing project for elderly persons of low income for the urban renewal area, or (iii) the plan adopted by the Boston Redevelopment Authority for the downtown district involved, or for the Harborpark District, and such conformity has been certified to by the Boston Redevelopment Authority; or if the exception relates to a setback of parapet requirement in a B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, the Boston Redevelopment Authority has certified to the Board of Appeal that the proposed project has been subject to design review; or if the exception relates to the requirement of Section 25-5.8 concerning the location of a structure in a high hazard coastal (V zone) district, the project has received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency; and
- (c) if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and

(↔As amended on December 29, 1983, February 27, 1986, April 2, 1987, March 20 and September 13, 1989, April 27 and December 6, 1990, and May 9, 1996.)

SECTION 6A-4. **Other Conditions Necessary as Protection.** In allowing an exception, the Board of Appeal may attach such conditions and safeguards as it deems necessary to insure harmony with the general purposes and intent of this code.